

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

ROSALIO BENITEZ, on Behalf of Himself and Others Similarly Situated,	]	
	]	CIVIL ACTION NO. 4:06-cv-182
<i>Plaintiff,</i>	]	
	]	
v.	]	
	]	
KEMORON INTERNATIONAL, INC.	]	
D/B/A HUNAN RIVER BISTRO CUISINE	]	
AND YUXIA SUN,	]	JURY TRIAL DEMANDED
<i>Defendants.</i>	]	
	]	

**JOINT NOTICE OF SETTLEMENT**

The parties have reached a settlement. Therefore, the parties respectfully request a conditional dismissal with a right to seek reinstatement if the settlement cannot be completed within 60 days. A proposed order is attached.

Respectfully submitted,

**BRUCKNER BURCH PLLC**

**/S/ Richard J. Burch**

By: \_\_\_\_\_  
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**/S/ Alfred Valdez by permission**

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**Attorney-In-Charge for Defendants**

**CERTIFICATE OF CONFERENCE**

I personally discussed this matter with defense counsel - Alfred Valdez. The parties agree that this case has been settled and should be conditionally dismissed (with 60 days to move for reinstatement).

**/S/ Richard J. Burch**

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Richard J. Burch

**CERTIFICATE OF SERVICE**

A true and correct copy of the foregoing was served upon counsel of record on April 14, 2006.

**/S/ Richard J. Burch**

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Richard J. Burch

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<i>Defendants.</i>	]	
	]	

**ORDER**

On the parties' joint motion, this case is DISMISSED without prejudice to either side moving to reinstate the matter within 60 days if the settlement cannot be consummated.

**SIGNED** at Houston, Texas this \_\_\_\_ day of \_\_\_\_\_, 2006.

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VANESSA D. GILMORE  
UNITED STATES DISTRICT JUDGE